



CDIA

CONSUMER DATA INDUSTRY ASSOCIATION
Empowering Economic Opportunity

**Summary of ID Theft Solutions
in the
Federal Fair and Accurate Credit Transactions Act of 2003 (FACTA), Pub. L. 108-159
Amending the
Federal Fair Credit Reporting Act (FCRA), 15 U.S.C. Sec. 1681 *et seq.***

- **Free Credit Reports.** Consumers are entitled to one free credit report per year. Pub. L. 108-159, Sec. 211. This is in addition to the free reports consumers are entitled to receive if they are on public assistance, victims of fraud, or they have been denied credit or insurance on the basis of a consumer report. 15 U.S.C. Sec. 1681j.
- **Tradeline Blocking.** Consumers with an identity theft report, as that term is defined by law, can block from appearing on a credit report, any item that was compromised by fraud that appears on the identity theft report. Pub. L. 108-159, Sec. 152.
- **Fraud Alerts and Active Duty Alerts.** Consumers who believe they are identity fraud victims can request that a fraud alert be placed on their credit reports to signal to prospective users of that report that the consumer may be a fraud victim. Pub. L. 108-159, Secs. 112(a), (b). Consumers who are on active military duty away from their duty station may request that an active military duty alert be placed on their credit reports to signal to prospective users of that report that the consumer may be not be the actual applicant for credit. Pub. L. 108-159, Secs. 112(c).
- **Social Security Number Truncation.** Consumers may request that consumer reporting agencies truncate their SSNs on credit reports. Pub. L. 108-159, Sec. 115.
- **Credit and Debit Card Number Truncation.** Merchants must truncate debit and credit card account numbers on receipts. Pub. L. 108-159, Sec. 113.
- **Establishment of Red Flag Guidelines.** Federal banking agencies and users of consumer reports (i.e. lenders) must establish red flag guidelines to better identify fraud patterns. Pub. L. 108-159, Sec. 114.
- **Summary of Rights.** Consumer reporting agencies must provide to consumers a summary of their rights if they become identity fraud victims. Pub. L. 108-159, Sec. 151.
- **Complaint Coordination.** The FTC and national consumer reporting agencies must develop a system to coordinate consumer complaints. Pub. L. 108-159, Sec. 153.
- **Prevention of Reappearance of Fraudulent Information.** Companies that furnish data to consumer reporting agencies must develop procedures to prevent the reappearance of data that was subject to fraud. Pub. L. 108-159, Sec. 154.
- **Debt Collection.** Debt collectors collecting for a third party must, when notified by a consumer that the collection item is the subject of fraud, inform the company for whom the collector is collecting of the alleged fraud. In addition and upon request, the collector must share with the consumer information relative to the debt. Pub. L. 108-159, Sec. 155.
- **Statute of Limitations Extension.** The statute of limitations against consumer reporting agencies, and users of information from and furnishers of information to consumer reporting agencies is extended to two years from the date of the discovery of the violation or five years from the date the cause of action arises. Pub. L. 108-159, Sec. 156.
- **Studies on Identity Fraud.** The Treasury Department is required to conduct an identity fraud study. Pub. L. 108-159, Sec. 157.

- *Enhanced Opt-Out from Pre-approved Credit or Insurance Offers.* New easier and simpler method lenders inform consumers of their right to remove their names from pre-approved credit or insurance offer lists. In addition, the timeframe for opt-out is extended from two to five years. Pub. L. 108-159, Sec. 213
- *Disposal of Records.* FTC and federal banking agencies to develop rules concerning the disposal of credit records. Pub. L. 108-159, Sec. 216.
- *Reporting of Negative Information to Consumer Reporting Agency.* Lenders must inform consumers that negative information may be reported to consumer reporting agencies. Pub. L. 108-159, Sec. 217.
- *Enhanced Obligations on Furnishers to Report Accurate Information.* Pub. L. 108-159, Sec. 314.
- *Address Reconciliation.* Consumer reporting agencies must notify users of consumer reports about a substantially different address between an address on an application and an address on the credit report. Users must have policies to handle this situation under regulations from federal banking agencies. Pub. L. 108-159, Sec. 315.

February 2004

Identity Fraud Internet Resources

Federal Trade Commission: Your National Resource for ID Theft

<http://www.consumer.gov/idtheft/>

Federal Trade Commission: For Consumers: Consumer Information

<http://www.ftc.gov/ftc/consumer.htm>

Federal Trade Commission: Consumer Information Security

<http://www.ftc.gov/bcp/online/edcams/infosecurity/>

FTC: About Identity Theft

http://www.consumer.gov/idtheft/consumertopics_bk.html

FTC: Filing a complaint with the FTC

http://www.consumer.gov/idtheft/filing_complaintwftc.html

Transunion

<http://www.transunion.com/>

Equifax

<http://equifax.com/>

Experian

<http://experian.com>

Privacy Rights

<http://www.privacyrights.org/index.htm>

Consumer Fraud in the United States: An FTC Survey

<http://www.ftc.gov/reports/consumerfraud/040805confraudrpt.pdf>

FTC: Curbing Identity Theft

http://www.consumer.gov/idtheft/business_curbidt.html

Prepared Statement of the Federal Trade Commission on Identity Theft

Before the House Financial Services Committee

Washington, D.C.

April 3, 2003

<http://www.ftc.gov/oc/2003/04/bealesidthefttest.pdf>

Federal Trade Commission: File Segregation

<http://www.ftc.gov/bcp/online/pubs/credit/creditid.htm>

FTC Consumer Alert: Credit Card Loss Protection Offers : They're the Real Steal

<http://www.ftc.gov/bcp/online/pubs/alerts/lossalrt.pdf>

FTC Consumer Alert: Just When You Thought It Was Safe...Advance-Fee Loan Sharks

<http://www.ftc.gov/bcp/online/pubs/alerts/advfart.pdf>

Federal Trade Commission: Congressional Resources

<http://www.ftc.gov/ftc/congress.htm>

Smarter Financials Identity Theft

<http://smarterfinancials.com/identity-theft/identity-theft.htm>

Identity Theft Victims Guide

<http://moneycentral.msn.com/content/Banking/Yourcreditrating/P41876.asp>

Have you checked your report since December 1, 2004?

www.annualcreditreport.com

Have you Opted out from getting preapproved consumer offers?

1 888 5OPTOUT -- 1 888 567-8688

Do you protect yourself by:

- Not carrying your extra credit cards
- Not carrying your Social Security card
- Not carrying your birth certificate
- Not carrying your passport in your wallet or purse except when necessary
- Installing a lockable mailbox at your residence
- Taking credit card receipts with you
- Not tossing them in a public trash container
- Never leave your purse or wallet unattended at work
- At church
- At a restaurant
- At a health fitness club
- At parties
- While shopping
- In open view in your car
- Even when your car is locked
- Destroying all checks immediately after you close a checking account
- Destroy or keep in a secure place any courtesy checks that your bank or credit card company sends to you
- Not having your bank or credit union send your new checks to your home address
- Pick them up at the bank or credit union
- Reconciling your check and credit card statements in a timely fashion
- Challenging any purchases you did not make
- Limiting the number of credit cards you have
- Canceling any inactive accounts
- Never giving any credit card, bank, credit union, or Social Security number information to anyone by telephone
- Even if you made the call
- Unless you can positively verify that the call is legitimate
- Safeguard your credit, debit, and ATM card receipts
- Shred them before discarding
- Scrutinize your utility and subscription bills to make sure the charges are yours
- Memorize your passwords and personal identification numbers so you do not have to write them down
- Beware of your surroundings to make sure no one is watching you input your PIN
- Keep a list of all your credit accounts and bank and credit union accounts in a secure place so you can quickly call the issuers to inform them about missing or stolen cards
- Include account numbers, expiration dates, and telephone numbers of customer service and fraud departments.
- Not tossing pre-approved credit offers in your trash or recycling bin without first tearing them into small pieces or shredding them
- Dumpster divers use these offers to order credit cards in your name and mail them to their address
- Always do the same with other sensitive information like credit card receipts, phone bills, and such
- Avoid Credit repair scams
- Getting your free credit report